

DOCKET NO.: MSFT-0593/158452.1

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Walter J. Kennamer, Christopher L.

Confirmation No.: 9560

Weider, Brian E. Tschumper

Application No.: 09/681,309

Group Art Unit: 2157

Filing Date: March 16, 2001

Examiner: Gregory G. Todd

For: Failover Of Servers Over Which Data Is Partitioned

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS PURSUANT TO 37 CFR § 1.192**

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed **December 4, 2006** finally rejecting claims **1-21** of the above-identified patent application.

The item(s) checked below are appropriate:

- ☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Attached is a Pre-Appeal Brief Request for Review.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as _____ :
- ☒ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action of December 4, 2006 to and through June 4, 2007 comprising an extension of the shortened statutory period of 3 months.

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	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	FEE	RATE	FEE
<input checked="" type="checkbox"/> NOTICE OF APPEAL	\$250	\$	\$500	\$500
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$60	\$	\$120	\$0
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$225	\$	\$450	\$0
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$510	\$	\$1020	\$1020
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$795	\$	\$1590	\$0
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$1080	\$	\$2160	\$0
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$)	minus	(\$0)
TOTAL FEE DUE		\$0		\$1520.00

- ☐ A check in the amount of \$.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☒ Please charge my Deposit Account No. 23-3050 in the amount of **\$1520.00**. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050.

Date: June 4, 2007

/Grzegorz S. Plichta/
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